

1 AN ORDINANCE OF THE CITY OF FORT
2 WAYNE, INDIANA, AMENDING THE MUNICIPAL
3 CODE OF THE CITY OF FORT WAYNE, BY THE
4 INCLUSION OF NEW ARTICLE VII OF
5 CHAPTER 25 TO BE ENTITLED SKATEBOARDS.

6 WHEREAS, The City of Fort Wayne, Indiana, recognizes
7 that skateboarding is fast-becoming a new form of recreational
8 activity throughout our City.

9 WHEREAS, The City on April 15, 1989, will open a
10 skateboard facility in Swinney Park.

11 WHEREAS, The Common Council believes that skateboarding
12 participants should have access to safe places to practice,
13 and that the safety of pedestrians and vehicle traffic should
14 not be put in jeopardy.

15 WHEREAS, The Council with the assistance and
16 cooperation of the City Administration therefore proposes the
17 following legislation to regulate the use of skateboards in
18 the City of Fort Wayne, Indiana.

19 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION I. Chapter 25, Article VII of the Municipal
22 Code of the City of Fort Wayne, Indiana, shall read in its
23 entirety as follows:

24 Chapter 25. Streets, Sidewalks and Public Places.

25 Article VII. Skateboards

26 SECTION 25-70. Compliance with the Article Required.

27 (a) No person shall ride a skateboard in any public
28 place within the City except where specifically authorized by
29 this Article.

30 (b) No person shall ride a skateboard in any public
31 place within the City without complying with the rules and
32 regulations of the Article.

SECTION 25-71. Skateboarding Prohibited on All City Streets.

(a) No person shall ride a skateboard on any street.

(b) No person shall cross a street on a skateboard.

SECTION 25-72. Skateboarding on Sidewalks.

(a) No person shall ride a skateboard on any City sidewalk in the following areas of the City:

(1) "B1A and B1B" - Limited Business District

(2) "B2" - Planned Shopping Center District

(3) "B3A and B3B" - General Business District

(4) "B4" - Roadside Business District

(5) "M1" - Light Industrial District

(6) "M2" - General Industrial District

(7) "M3" - Heavy Industrial District

as defined in Chapter 33 (entitled "Zoning") of this Code, and on all sidewalks and other paved areas adjacent to nursing homes, hospitals, fire stations, schools, churches and synagogues.

(b) Persons may ride a skateboard on sidewalks in the following areas of the City:

(1) "R1," "R2," "RA," and "RB" - Residence Districts

(2) "R3" - Multiple Family Residence Districts

as defined in Chapter 33 (entitled "Zoning") of this Code.

(c) Persons who ride a skateboard on sidewalks where permitted must at all times exercise due care for the safety of other persons using the sidewalks.

(d) Persons who ride a skateboard on sidewalks where permitted must at all times yield the right of way to pedestrians and give pedestrians audible warnings before overtaking and passing them.

SECTION 25-73. Skateboard Regulations in Designated City-Owned Skateboard Facilities.

(a) The Board of Park Commissioners shall establish all rules and regulations addressing the use of skateboards in designated City-owned skateboard facilities.

1 (b) Any person who wishes to skateboard in any
2 designated City-owned skateboard facility specifically
3 designated for the use of skateboards, shall be required to
4 adhere to all safety requirements and posted rules and
5 regulations.

6 (c) Such regulations shall include but not be limited
7 to the wearing of helmets, kneepads, and elbow pads; rules of
8 conduct; fees; hours of operation; and penalties. All such
9 regulations shall be conspicuously posted at each such City-
10 owned skateboard facility.

11 (d) Anyone violating the provisions of this Section
12 shall be asked to abide by the governing rules and
13 regulations. If the individual refuses to do so, he or she
14 shall be issued a warning notice, shall be asked to leave and
15 shall not return to that specific designated City-owned
16 skateboard facility for the remainder of that day. Anyone
17 refusing to leave or who returns that same day after having
18 been asked to leave shall be issued a citation and shall have
19 his or her skateboard seized and subsequently impounded by the
20 Park Department or Police Department.

21 (e) Any confiscated skateboard, if belonging to a
22 person under eighteen (18) years of age, shall be given up to
23 the parent or guardian of the minor upon request and without
24 charge if a first-time violator, after a full explanation of
25 the reason(s) for impounding the skateboard and a copy of the
26 Rules of Conduct for the City skateboard facilities are given
27 to such parent or guardian. Subsequent violations shall be
28 addressed pursuant to the provisions of Section 25-74.

29 (f) Any confiscated skateboard, if belonging to a
30 person eighteen (18) years of age or older, shall be given to
31 that person upon request and without charge if a first-time
32 violator, after a full explanation of the reason(s) for
impounding the skateboard and a copy of the Rules of Conduct
for City skateboard facilities are given to that individual.
Subsequent violations shall be addressed pursuant to the

(f) The impounded skateboard if belonging to the violator who is eighteen (18) years of age or older shall be given to him or her upon request and receipt of payment for all outstanding citations issued. The City shall give a copy of all rules and regulations governing the use of skateboards on City property at the time of returning the property to the violator.

(g) Each subsequent day of violation shall be considered a separate offense for which a citation may be issued.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor, and legal publication thereof.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Bradbury, seconded by Stew, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 4-11-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____,

ATTEST

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

G-89-04-02

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE SAFETY/PARKS

SYNOPSIS OF ORDINANCE _____

1. Regulates skateboarding on sidewalks.

2. Prohibits skateboarding in certain locations.

3. Grants Park Department the authority to regulate use of
City-owned skateboarding facility.

EFFECT OF PASSAGE Limits skateboarding in certain public places.

EFFECT OF NON-PASSAGE Skateboarding will be unlimited

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) none

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-89-04-02

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ OF THE CITY OF FORT
WAYNE, INDIANA, AMENDING THE MUNICIPAL CODE OF THE CITY OF FORT
WAYNE, BY THE INCLUSION OF NEW ARTICLE VII OF CHAPTER 25 TO BE
ENTITLED SKATEBOARDS.

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Uth person

DATED:

Withdrawn by
Conrad vote
3-20-90

Sandra E. Kennedy
City Clerk

BILL NO. G-89-04-02

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE CITY OF
FORT WAYNE, INDIANA, AMENIDNG THE MUNICIPAL CODE OF THE CITY OF
FORT WAYNE, BY THE INCLUSION OF NEW ARTICLE VII OF CHAPTER 25
TO BE ENTITLED SKATEBOARDS.

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED:

Sandra E. Kennedy
City Clerk

TO: Sandy Kennedy
City Clerk

FROM: Mike McAlexander
Director of Public Safety

SUBJECT: Bill No. G-89-04-02

Please withdraw Bill #G-89-04-02 also known as the Skateboarding ordinance. It was clear that in its current form it was unacceptable to some City Council members. We are re-examining the need for any additional restrictions in this area.

Thank you for your attention to this matter.

mm